United Nations Convention on the Law of the Sea CLCS/101

Commission on the Limits of the Continental Shelf

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New York, 16 October–1 December 2017

Progress of work in the Commission on the Limits of the Continental Shelf

Statement by the Chair

Summary

The present statement provides information on the work carried out by the Commission on the Limits of the Continental Shelf and its subcommissions during its forty-fifth session. In particular, the statement contains an overview of the progress made in the examination of the submissions made by the Russian Federation in respect of the Arctic Ocean (partial revised submission); Brazil in respect of the Brazilian Southern Region (partial revised submission); France and South Africa, jointly, in respect of the area of the Crozet Archipelago and the Prince Edward Islands; Kenya; Nigeria; France in respect of Reunion and the Saint-Paul and Amsterdam islands; Côte d'Ivoire; Sri Lanka; and Portugal.

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1. Pursuant to the decision adopted at its forty-first session (see CLCS/95, para. 113), as endorsed by the General Assembly in its resolution 71/257 (para. 100), the Commission on the Limits of the Continental Shelf held its forty-fifth session at United Nations Headquarters from 16 October to 1 December 2017. The session was devoted entirely to the technical examination of submissions and held at the geographic information system laboratories of the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs of the Secretariat.

2. The following members of the Commission attended the session: Adnan Rashid Nasser al-Azri, Lawrence Folajimi Awosika, Aldino Campos, Wanda Lee De Landro-Clarke, Ivan F. Glumov, Martin Vang Heinesen, Emmanuel Kalngui, Wenzheng Lyu, Mazlan bin Madon, Estevão Stefane Mahanjane, Jair Alberto Ribas Marques, Marcin Mazurowski, Domingos de Carvalho Viana Moreira, David Cole Mosher, Simon Njuguna, Yong Ahn Park, Carlos Marcelo Paterlini, Clodette Raharimananirina, Toshitsugu Yamazaki and Gonzalo Alejandro Yáñez Carrizo.[1]

3. The Commission had before it the following documents:

(a) Statement by the Chair on the progress of work in the Commission at its forty-fourth session (CLCS/100);

(b) Submissions made by coastal States[2] pursuant to article 76, paragraph 8, of the United Nations Convention on the Law of the Sea,[3] including related communications.

Consideration of the partial revised submission made by the Russian Federation in respect of the Arctic Ocean[4]

Progress in the work of the subcommission

4. The subcommission, chaired by Mr. Madon, met from 30 October to 17 November 2017. During that period, it continued the main scientific and technical examination of the submission.[5]

5. The subcommission held three meetings with the delegation, headed by the Minister of Natural Resources and Environment of the Russian Federation, Sergei E. Donskoi, during which the subcommission made a presentation on the progress of its work to date. The delegation made several presentations on salient aspects of the submission, including in a preliminary response to the presentation made by the subcommission, and in response to a question posed by the subcommission at the end of the forty-fourth session. The delegation indicated that, at the forty-sixth session, it would make a more comprehensive presentation in response to the presentation made by the subcommission.

6. The subcommission decided that its members would continue to work on the submission during the intersessional period and that it would resume its consideration

[1] For health-related reasons, Mr. Kalngui attended the session from 6 to 24 November, and Mr. Glumov attended the session from 13 to 24 November 2017. For personal reasons, Mr. Mahanjane attended the session from 16 October to 20 November and on 24 November 2017.

[2] For a full list of the submissions made to the Commission, see www.un.org/Depts/los/clcs_new/commission_submissions.htm.

[3] United Nations, *Treaty Series*, vol. 1833, No. 31363.

[4] Submission made on 3 August 2015; see www.un.org/depts/los/clcs_new/submissions_files/submission_rus_rev1.htm.

[5] For information on the modus operandi established for the consideration of a submission made to the Commission on the Limits of the Continental Shelf, see annex III to the rules of procedure of the Commission (CLCS/40/Rev.1).

of the submission during the forty-sixth session, which would include meetings with the delegation.

7. The meetings of the subcommission during the forty-sixth session will be held from 12 to 23 February 2018.

Consideration of the partial revised submission made by Brazil in respect of the Brazilian Southern Region[6]

Progress in the work of the subcommission

8. The subcommission, chaired by Mr. Awosika, met from 16 to 27 October 2017. During that period, it continued the main scientific and technical examination of the submission.

9. The subcommission held no meetings with the delegation, but received a partial set of responses to questions and requests for clarification that it had posed at the end of the forty-fourth session. Citing the complexity of some of the questions, the Brazilian delegation noted that it would provide the remaining answers at the forty-sixth session.

10. The subcommission decided that it would resume its consideration of the submission during the forty-sixth session, which would include meetings with the delegation.

11. The meetings of the subcommission during the forty-sixth session will be held from 26 February to 2 March 2018 and from 12 to 16 March 2018.

Consideration of the joint submission made by France and South Africa in respect of the area of the Crozet Archipelago and the Prince Edward Islands[7]

Progress in the work of the subcommission

12. The subcommission, chaired by Mr. Njuguna, met from 16 to 27 October 2017. During that period, it continued the main scientific and technical examination of the submission, focusing on the preparation of a document presenting its views and general conclusions arising from the examination of the submission, which was transmitted to the joint delegation at the end of the session, on the understanding that this document replaced the presentation envisioned under paragraph 10.3 of annex III to the rules of procedure.

13. No meetings were held with the joint delegation, which had informed the subcommission that it would not be in a position to deliver its response to a presentation envisioned under paragraph 10.3 of annex III to the rules of procedure in accordance with paragraph 10.4 of that annex, since it was still in the process of collecting additional data and information.

14. The subcommission decided that it would resume its consideration of the submission during the forty-sixth session, including possible presentations or exchanges of views between the subcommission and the joint delegation.

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[6] Submission made on 10 April 2015; see www.un.org/Depts/los/clcs_new/submissions_files/submission_bra_rev.htm.

[7] Submission made on 6 May 2009, with an addendum of 26 March 2013; see www.un.org/Depts/los/clcs_new/submissions_files/submission_frazaf_34_2009.htm.

15. The meetings of the subcommission during the forty-sixth session will be held from 26 February to 2 March and from 12 to 16 March 2018.

Consideration of the submission made by Kenya[8]

Progress in the work of the subcommission

16. The subcommission, chaired by Mr. Heinesen, met from 20 November to 1 December 2017. During that period, it continued the main scientific and technical examination of the submission.

17. During the intersessional period, the delegation had responded to one of the requests for clarification made by the subcommission at the forty-fourth session and provided additional data and information. The subcommission also took note of a communication from the delegation, addressed to the Commission and dated 2 November 2017, relating to the submission. The subcommission transmitted a communication to the delegation with a summary of its progress in the consideration of the submission.

18. The subcommission decided that it would resume its consideration of the submission during the forty-sixth session.

19. The meetings of the subcommission during the forty-sixth session will be held from 29 January to 2 February 2018.

Consideration of the submission made by Nigeria[9]

Progress in the work of the subcommission

20. The subcommission, chaired by Mr. Mahanjane, met from 30 October to 17 November 2017. During that period, it continued the main scientific and technical examination of the submission.

21. The subcommission held two meetings with the delegation, during which the subcommission gave a presentation. The delegation indicated that it would provide a comprehensive response to that presentation at the forty-sixth session. The subcommission subsequently transmitted a communication to the delegation with explanations relating to its presentation, together with additional requests for clarification based on its examination of the data and information submitted to date.

22. The subcommission decided that its members would continue to consider the submission during the intersessional period and that it would resume its consideration of the submission during the forty-sixth session, which would include meetings with the delegation.

23. The meetings of the subcommission during the forty-sixth session will be held from 12 to 23 February 2018.

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[8] Submission made on 6 May 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_ken_35_2009.htm.

[9] Submission made on 7 May 2009 and amended on 18 November 2016; see www.un.org/Depts/los/clcs_new/submissions_files/submission_nga_38_2009.htm.

Consideration of the submission made by France in respect of Reunion and the Saint-Paul and Amsterdam islands[10]

Progress in the work of the subcommission

24. The subcommission, chaired by Mr. Mosher, met from 30 October to 17 November 2017. During that period, it continued the main scientific and technical examination of the submission.

25. The subcommission held three meetings with the delegation, during which the delegation provided responses to the requests for clarification made by the subcommission at the forty-fourth session, including additional data and information.

26. The subcommission decided that its members would continue to work on the submission during the intersessional period and that it would resume its consideration of the submission during the forty-sixth session.

27. The meetings of the subcommission during the forty-sixth session will be held from 12 to 23 February 2018.

Consideration of the submission made by Côte d'Ivoire[11]

Progress in the work of the subcommission

28. The subcommission, with Mr Mahanjane as Chair and Mr. Mosher as acting Chair, met from 20 November to 1 December 2017. During that period, it continued the main scientific and technical examination of the submission. In particular, it considered additional data and information which had been submitted during the intersessional period. The Commission was informed by the delegation that, following the decision in the *Dispute Concerning Delimitation of the Maritime Boundary between Ghana and Côte d'Ivoire in the Atlantic Ocean* by the Special Chamber of the International Tribunal for the Law of the Sea on 23 September 2017,[12] the provisions concerning access to confidential data and information under section 3 of annex II to the rules of procedure should no longer apply in respect to the amended submission and all related materials.[13]

29. The subcommission held two meetings with the delegation, during which the delegation presented its responses to the requests for clarification that had been made by the subcommission at the forty-fourth session, and the subcommission made a presentation in response. The delegation also transmitted additional information in response to the preliminary request for clarification that had been made by the subcommission during the first meeting. Following the meetings, the subcommission transmitted a communication to the delegation, with additional requests for clarification.

30. The subcommission expressed the view that, given the new information provided by the delegation concerning the decision rendered by the Special Chamber of the International Tribunal for the Law of the Sea on 23 September 2017 the conclusions reached by the subcommission with regard to the test of appurtenance would need to be re-examined from a valid foot of the slope point that was part of the

[10] Submission made on 8 May 2009; see www.un.org/depts/los/clcs_new/submissions_files/submission_fra_40_2009.htm.

[11] Submission made on 8 May 2009 and amended on 24 March 2016; see www.un.org/depts/los/clcs_new/submissions_files/submission_civ_42_2009.htm.

[12] *Dispute Concerning Delimitation of the Maritime Boundary between Ghana and Côte d'Ivoire in the Atlantic Ocean* (Ghana/Côte d'Ivoire), case No. 23.

[13] See also CLCS/95, para. 107.

natural prolongation from the land territory of Côte d'Ivoire. This would be done in the main scientific and technical examination of the submission.

31. The subcommission decided that its members would continue to consider the submission during the intersessional period and that it would resume its consideration of the submission during the forty-sixth session, which might include meetings with the delegation.

32. The meetings of the subcommission during the forty-sixth session will be held from 29 January to 2 February 2018.

Consideration of the submission made by Sri Lanka[14]

Progress in the work of the subcommission

33. The subcommission, chaired by Mr. Yáñez, met from 20 November to 1 December 2017. During that period, the subcommission continued the main scientific and technical examination of the submission.

34. Three meetings were held with the delegation, during which the delegation made a presentation on partial responses to the requests made by the subcommission at the forty-fourth session. The subcommission made a presentation on its views with respect to those responses, after which the subcommission and the delegation exchanged views concerning the data and information submitted. Further requests for clarification were made by the subcommission during the meetings with the delegation and were subsequently transmitted in writing.

35. The subcommission decided that its members would continue to work individually on the submission during the intersessional period and that the subcommission would resume its consideration of the submission during the forty-sixth session.

36. The meetings of the subcommission during the forty-sixth session will be held from 29 January to 2 February 2018.

Consideration of the submission made by Portugal[15]

Progress in the work of the subcommission

37. The subcommission, chaired by Ms. De Landro-Clarke, met from 16 to 27 October 2017. During that period, it continued the main scientific and technical examination of the submission. It also considered the response by the delegation, received during the intersessional period, to the queries and requests for clarification made by the subcommission during the forty-fourth session.

38. The subcommission held two meetings with the delegation, during which the delegation presented its responses to the queries and requests for clarification made by the subcommission during the forty-fourth session, and the subcommission presented its preliminary views on the submission and the responses of the delegation. The subcommission subsequently transmitted to the delegation a communication containing additional requests for clarification relating to the submission.

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[14] Submission made on 8 May 2009; see www.un.org/depts/los/clcs_new/submissions_files/submission_lka_43_2009.htm.

[15] Submission made on 11 May 2009 and amended on 1 August 2017; see http://www.un.org/depts/los/clcs_new/submissions_files/submission_prt_44_2009.htm.

39. The subcommission decided that its members would continue to consider the submission during the intersessional period and that it would resume its consideration of the submission during the forty-sixth session, which would include meetings with the delegation.

40. The meetings of the subcommission during the forty-sixth session will be held from 26 February to 2 March and from 12 to 16 March 2018.

Other matters

Trust funds

41. The secretariat informed the members of the Commission about the status of the trust fund for the purpose of defraying the costs of the participation of Commission members from developing States in its meetings. For the forty-fourth session, financial assistance in the total amount of approximately $120,353 had been provided to seven members of the Commission. For the forty-fifth session, an estimated total of $117,369 in financial assistance was being provided to seven members of the Commission.

Workshop

42. As decided at the forty-fourth session,[16] two half-day meetings of all members of the Commission were held in a workshop format to discuss the application of various elements of the Statement of Understanding Concerning a Specific Method to be Used in Establishing the Outer Edge of the Continental Margin annexed to the Final Act of the Third United Nations Conference on the Law of the Sea.

Committee on Confidentiality

43. During the forty-fifth session, the Committee on Confidentiality held several meetings.[17]

Meetings of the Commission in 2018[18]

44. In 2018, the Commission will hold three sessions as follows: the forty-sixth session from 29 January to 16 March 2018, with plenary sessions from 5 to 9 February and from 5 to 9 March 2018; the forty-seventh session from 16 July to 31 August 2018,[19] with plenary sessions from 6 to 10 August and from 27 to 31 August 2018; and the forty-eighth session from 15 October to 30 November 2018, without plenary sessions.

Secretariat support

45. The bureau of the Commission, consisting of its Chair and four Vice-Chairs, noted with appreciation and gratitude the high standard of secretariat services that had been rendered to it by the Division for Ocean Affairs and the Law of the Sea and expressed its hope that the Division would maintain the same level of support to the Commission in spite of the projected increase in the workload of the Division.

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[16] CLCS/100, para. 90.

[17] See also CLCS/100, paras. 84 and 85.

[18] See CLCS/100, para. 91.

[19] The Commission was informed that, for logistical reasons, the dates of its forty-seventh session needed to be adjusted, notwithstanding its decision at the forty-fourth session. The schedule of the plenary parts of that session remains unchanged.